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Washington, Saturday, September 14, 1940

The President

CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "An Act to expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after this date the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413[1] of July 2, 1940, entitled "Administration of section 6 of the act entitled 'An Act to expedite the strengthening of the national defense' approved July 2, 1940," and in the regulations issued pursuant thereto:

1. Equipment (excluding minor component parts) which can be used, or adapted to use, for the production of aviation motor fuel from petroleum, petroleum products, hydrocarbons, or hydrocarbon mixtures, by processes involving chemical change; and any plans, specifications, or other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) useful in the design, construction, or operation of any such equipment, or in connection with any such processes. Aviation motor fuel shall mean such fuel as is defined in the regulations issued pursuant to Proclamation No. 2417 of July 26, 1940, as may from time to time be amended.

2. Equipment (excluding minor component parts) which can be used, or adapted to use, for the production of tetraethyl lead; and any plans, specifications, or other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) useful in the design, construction, or operation of any such equipment, or in connection with any such processes. Tetraethyl lead shall mean such tetraethyl lead as is defined in the regulations issued pursuant to Proclamation No. 2417 of July 26, 1940, as may from time to time be amended.

3. Plans, specifications, and other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) setting forth the design or construction of aircraft or aircraft engines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of

[1] 5 F.R. 2467.

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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NOTICES

the United States of America to be affixed.

DONE at the City of Washington this 12th day of September in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2423]

[F. R. Doc. 40-3860; Filed, September 13, 1940; 11:45 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE WAR DEPARTMENT

CALIFORNIA

Correction

The portion of the land description in Executive Order No. 8507 (F.R. Doc. 40-3328, filed August 9, 1940, at 12:47 p. m.), appearing on page 2817 of the issue for Tuesday, August 13, 1940, which reads "T. 16 N., R. 4 E., secs. 25 to 36, inclusive, partly unsurveyed" should be corrected to read "T. 18 N., R. 4 E., secs. 25 to 36, inclusive, partly unsurveyed."

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 228, Supp. 1]

PART 714—REFUNDS OF PENALTIES ERRONEOUSLY, ILLEGALLY, OR WRONGFULLY COLLECTED WITH RESPECT TO MARKETING IN EXCESS OF MARKETING QUOTAS

Pursuant to section 6 of the Act of Congress approved July 2, 1940, Public Law No. 716, 76th Congress, amending section 372 (c) of the Agricultural Adjustment Act of 1938, the Regulations Pertaining to Refunds of Penalties Erroneously, Illegally, or Wrongfully Collected with Respect to Marketing in Excess of Marketing Quotas, prescribed by the Secretary of Agriculture on January 20, 1939 (Cotton 228 [1]), are hereby amended as follows:

(1) The promulgating clause is amended to read as follows:

By virtue of the authority vested in the Secretary of Agriculture by section 372 (c) of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), which as added by section 11 of the Act approved April 7, 1938, Public Law No. 470, 75th Congress, 52 Stat. 204, Title 7, U.S.C., sec. 1372 (c), and amended by section 6 of the Act approved July 2, 1940, Public Law No. 716, 76th Congress, reads as follows:

Whenever, pursuant to a claim filed with the Secretary within two years after payment to him of any penalty collected from any person pursuant to this Act, the Secretary finds that such penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of the payment of such penalty, the Secretary [of Agriculture] shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of such penalty.

Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations for the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms.

The Secretary is authorized to prescribe regulations governing the filing of such claims and the determination of such refunds.

I, Claude R. Wickard, Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following regulations pertaining to the refund of penalties with respect to the marketing of cotton collected pursuant to sections 348 and 372 (a) and (b) of said Act which are found to have been erroneously, illegally, or wrongfully collected, which regulations shall be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture or Acting Secretary of Agriculture under said Act.

(2) Section 714.21 is amended by striking out the word "or" at the end of paragraph (3), striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or", and inserting the following new paragraph:

(5) Any person who paid the whole or any part of the sum paid as a penalty with respect to any cotton involved in a transaction which in fact was not a marketing of such cotton and has not been reimbursed therefor.

(3) The first sentence of § 714.22 is amended by striking out the words "one year" and inserting in lieu thereof the words "two years" so that said sentence shall read as follows: "Claim for refund shall be made on form Cotton 229 and shall be filed in the county office within two years after the date when payment was made to the Secretary of Agriculture of the penalty with respect to which claim is made, which shall be deemed to be the date when the payment of such penalty was received by the Comptroller."

Done at Washington, D. C., this 13th day of September 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-3855; Filed, September 13, 1940; 11:26 a.m.]

[1] 4 F.R. 295.

[P-1941]

PART 741—1941 PARITY PAYMENT REGULATIONS

CONTENTS

Parity payments will be made to producers of wheat, cotton, corn (in the commercial corn-producing area), rice and tobacco, in accordance with the provisions of these regulations and such modifications thereof as may hereafter be made.

§ 741.201 *Eligibility for payment.* In order to be eligible for a payment with respect to a commodity a person must have an interest as a landlord, tenant, or sharecropper in a farm (1) for which an acreage allotment has been determined for the commodity under the 1941 Agricultural Conservation Program, (2) on which the acreage planted to such commodity for harvest in 1941 is not in excess of such acreage allotment, (3) which is being operated in 1941, and (4) on which the county committee finds that the sum of the acreages of wheat, cotton, corn, rice, and tobacco does not exceed the sum of the allotments or permitted acreages for such crops under the 1941 Agricultural Conservation Program. Application for payment may be made prior to determination of performance under (4) above, in which case the applicant shall agree to refund the payment made if full performance is not rendered.

The payment which would otherwise be made to any person under these regulations shall be withheld or required to be refunded (1) if the county committee determines such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice and tobacco on all farms in the county exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program on such farms, or (2) if the State committee finds that such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice and tobacco on all farms wherever situated, in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm with respect to which payment might otherwise be made.*

*§§ 741.201 to 741.212, inclusive, are issued under the authority contained in the item entitled "parity payments," Department of Agriculture Appropriation Act, 1941 (Public, No. 658, 76th Congress, approved June 25, 1940) and section 303 of the Agricultural Adjustment Act of 1938 (52 Stat. 45).

§ 741.202 *Measure of payment.* The payment for a farm with respect to any commodity shall be measured by the product of the normal yield per acre and the acreage allotment determined for that commodity for such farm under the 1941 Agricultural Conservation Program.*

§ 741.203 *Rate of payment.* The rate of payment with respect to each commodity shall be determined by the Secretary within the limits of available funds, in accordance with the provisions of section 303 of the Agricultural Adjustment Act of 1938.*

§ 741.204 *Division of payment.* The payment for a farm with respect to any commodity shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either planted acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such commodity planted on the farm for harvest in 1941. Such determination shall be made at the time the county committee approves the application for payment: *Provided,* That if such commodity is not planted for harvest on the farm in 1941 or the acreage of such commodity is substantially reduced by flood, hail, drought, insects, or plant bed diseases payment with respect to such commodity shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such commodity if the entire acreage in the acreage allotment for such commodity had been planted and harvested in 1941: *Provided further,* That in cases where two or more separately-owned tracts of land comprise a farm, in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such commodity agree, as shown by their signatures on the application for payment or a separate statement, the share of each such person in the payment with respect to such commodity on the farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such commodity and also results substantially in a division of such payment among landlords, tenants, and sharecroppers as classes as each such class shares in the commodity or proceeds thereof with respect to which the payment is being made: *Provided further,* That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been planted for harvest on the farm in 1941 by any tenant or sharecropper is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally plant thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.*

§ 741.205 *General provisions relating to payments*—(a) *Payments restricted to effectuation of purposes of the program.* All or any part of any payment which would otherwise be made to any person under these regulations may be withheld or required to be refunded if the county committee finds that (1) he has overplanted or caused the overplanting of the acreage allotment which was or could have been established for a separately-owned tract of land included in a combination farm and refuses to cooperate with other producers having an interest in the farm in making equitable adjustments with respect thereto, or (2) he has adopted any practice which the Secretary determines tends to defeat any of the purposes for which parity payments are made hereunder.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

Practice and Amount To Be Withheld or Refunded

(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 program: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper: The entire payment which has been or otherwise would

be made to the landlord or operator with respect to the farm.

(3) A landlord or operator knowingly omits the name of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 program, or knowingly shows incorrectly his or their acreage shares of a crop, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

(4) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust or other business enterprise in which he has a financial interest and the policies of which he is in a position to control: All the payments which have been or otherwise would be made to a person who adopts such practice.

(5) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular person is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations: Such person's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

(6) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land: The entire payment which has been or would otherwise be made to such person in the event no payment would be made if the person were entitled to receive all the crops produced on the rented land.

(7) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished machinery, or workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop): The entire payment which has been or would otherwise be made to such person in the event no payment would be made if the person were entitled to receive that part of the crops produced on such farm which the committee determines was such person's interest in the crops produced.

(8) A tenant in settling his obligations under a rental contract or agreement, or a contract or an agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director: The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: *Provided, however,* where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

(9) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop: The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

(10) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940–41 or 1941–42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records: The entire payment which has been or would otherwise be made to such person with respect to the farm.

All determinations in connection with these practices shall be made by the county committee, with the approval of the State committee, or by the State committee.

(b) *Payments made without regard to claims.* Any payment or share of payment shall be made without regard to questions of title under State law, without deduction on account of assignments or claims for advances (except advances for crop insurance premiums for the farm and indebtedness to the United States subject to setoff under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or share croppers and such change would cause the landlord or operator to receive a greater proportion of the payments than he would otherwise receive, payments to the landlord or operator shall not be greater than the amount he would have received if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid, unless the county committee certifies that the reduction is justified and approves such reduction.

If the State committee finds that any person who files an application for payment has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under these regulations to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the program.*

§ 741.206 *Deduction for association expenses.* No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1941 parity payments.*

§ 741.207 *Application for payment.* Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director, but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm; (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office

of each county committee and making copies of the same available to the press.*

§ 741.208 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) the division of payment; or (c) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the submission of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.*

§ 741.209 *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.*

§ 741.210 *Performance of duties of State and county committees in Hawaii and Puerto Rico.* In the event State and county agricultural conservation committees have not been established in the Territory of Hawaii or in Puerto Rico, the Officer in Charge of the office of the Agricultural Adjustment Administration for the Territory of Hawaii, or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in these regulations.*

§ 741.211 *Definitions.* As used herein and in all forms and documents relating to 1941 parity payments for producers of wheat, cotton, corn (in the commercial corn-producing area), rice, or tobacco, unless the context or subject-matter otherwise requires, the terms:

(a) *Secretary, Regional Director, State committee, county committee, person, landlord, tenant, sharecropper, commercial corn-producing area, acreage planted to corn, acreage planted to wheat, and acreage planted to cotton* shall have the same meanings as are assigned to them in the 1941 Agricultural Conservation Program Bulletin and supplements thereto.

(b) *Farm* means the area of land considered as a farm for the purposes of the 1941 Agricultural Conservation Program.

(c) *Parity* and *marketing year* shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.*

§ 741.212 *Authority.* These regulations are approved pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity payments" contained in the Department of Agriculture Appropriation Act, 1941 (Public, No. 658, 76th Congress, approved June 25, 1940), and pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 45, 7 U.S.C. 1303.)

Done at Washington, D. C., this 13th day of September 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-3856; Filed, September 13, 1940; 11:26 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 47 to Declaration No. 12[1]]

ORDER DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS.

1. In accordance with the provisions of § 77.3, Chapter 1, Title 9, Code of Federal Regulations (section 2, Regulation 7, B. A. I. Order 309, as amended), the following counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of modified accredited areas until the date given opposite the name of each county:

Alabama: Bibb, Colbert, and Coosa, September 1, 1943.

Arkansas: Nevada and Ouachita, September 1, 1943.

Colorado: Dolores, September 1, 1943.

Georgia: Burke, De Kalb, Paulding, Richmond, and Schley, September 1, 1943.

Illinois: Henderson, September 1, 1946; Kendall and Tazewell, September 1, 1943.

Indiana: Blackford and Johnson, September 1, 1943.

Iowa: Boone, September 1, 1943.

Kansas: Kingman and Lincoln, September 1, 1943.

Michigan: Grand Traverse, Leelanau, Manistee, and Osceola, September 1, 1943.

Minnesota: Chippewa, Houston, and Pipestone, September 1, 1946; Stevens, September 1, 1943; Swift, and Yellow, September 1, 1946; Medicine, September 1, 1943.

Mississippi: Alcorn and Clay, September 1, 1943.

Missouri: Cedar, September 1, 1943.

North Carolina: Anson, Richmond, and Union, September 1, 1943.

Ohio: Champaign, Fairfield, Highland, Hocking, Monroe, and Washington, September 1, 1943.

Oklahoma: Bryan, Carter, Latimer, Love, Marshall, and Pittsburg, September 1, 1943.

South Carolina: Cherokee, September 1, 1943.

South Dakota: Miner, September 1, 1946; Sanborn, September 1, 1943.

Tennessee: Dyer, Gibson, Hancock, and Roane, September 1, 1943.

Texas: Crosby, Dawson, Erath, Fannin, Gaines, Irion, Reagan, and Young, September 1, 1943.

Utah: Daggett and Rich, September 1, 1943.

Virginia: King George and Greensville, September 1, 1943.

West Virginia: Pleasants, September 1, 1943.

Puerto Rico: Guayanilla, Lajas, Las Marias, Maricao, Patillas, Sabana Grande, and San Juan, September 1, 1943.

2. This order supplements and is in addition to previous designations of modified accredited areas.

Done at Washington, D. C., this 3d day of September 1940.

[SEAL] A. W. MILLER,
Acting Chief.

[F. R. Doc. 40-3846; Filed, September 12, 1940; 3:30 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 74—ENLISTMENT OF FLYING CADETS[1]

§ 74.1 *Eligibility.*

* * * * *

(c) *Applicants who have previously received flying training at a service*

[1] Amendment 46 appears at 5 F.R. 2945.

[1] Part 74 is amended.

school. An applicant who has been eliminated from a service flying school due to failure in flying, or who has completed the course of instruction in a service flying school, will not be appointed a flying cadet (pilot), but may be appointed a flying cadet (nonpilot) upon meeting the prescribed standards.

(d) *Marriage.* Any flying cadet who marries will be subject to immediate discharge from the service.

(e) Unless otherwise specified, these regulations apply to both flying cadet (pilot) and flying cadet (nonpilot). (41 Stat. 109, sec. 1, 44 Stat. 780; 10 U. S. C. 297) [Par. 1, AR 615–160, July 20, 1938, as amended by sec. III, Cir. 94, W. D., Aug. 29, 1940]

§ 74.3 *Examination.*

* * * * *

(b) *Physical examination.* (1) Each applicant appearing before the board for appointment as a flying cadet (pilot) will first be subjected to the physical examination prescribed in AR 40–110,[2] W. D., A. G. O. Form No. 64 (Physical Examination for Flying) will be forwarded in duplicate.

* * * * *

(d) *Educational examination* — (1) *Flying cadet (pilot).* The scope of the educational examination will be prescribed by the Chief of the Air Corps, who will forward the necessary examination questions to the examining board prior to the date on which the examination is to be held. This may be omitted if the applicant presents a certified document from the office of the registrar of a recognized college or university showing that he has satisfactorily completed one-half or more of the necessary credits leading to a degree which normally requires 4 years' work. The board will be sole judge as to the sufficiency of the documentary evidence submitted. Educational examination papers will be graded by an agency designated by The Adjutant General on the recommendation of the Chief of the Air Corps.

(2) *Flying cadets (nonpilot).* The educational standards will be prescribed by the Chief of the Air Corps. The board will examine certified documents from the office of the registrar of recognized colleges or universities, and such other certified documents as may be submitted, and will be the sole judge as to whether the applicant meets these standards. (41 Stat. 109, sec. 1, 44 Stat. 780; 10 U.S.C. 297) [Pars. 8 and 10, AR 615–160, July 20, 1938, as amended by sec. III, Cir. 94, W.D., Aug. 29, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40–3847; Filed, September 13, 1940; 9:10 a. m.]

[2] Administrative regulations of the War Department relative to standards of physical examination for flying.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3662]

IN THE MATTER OF NATIONAL PREMIUM COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of pen and pencil sets, billfolds, silverware, candid cameras and various other articles or other merchandise, others with push or pull cards, punch boards, or other devices, which said push or pull cards, punch boards, or other devices, are to be, or may be, used in selling or distributing said articles of merchandise, or any other merchandise, to the general public by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Premium Company, etc., Docket 3662, September 5, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of pen and pencil sets, billfolds, silverware, candid cameras and various other articles or other merchandise, to agents or distributors, or to members of the public, push or pull cards, punch boards, or other devices, so prepared and printed that sales of said merchandise, or any other merchandise, are to be, or may be, made to the general public by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Premium Company, etc., Docket 3662, September 5, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of pen and pencil sets, billfolds, silverware, candid cameras and various other articles or other merchandise, any merchandise by the use of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Premium Company, etc., Docket 3662, September 5, 1940]

IN THE MATTER OF BENJAMIN JAFFE, INDIVIDUALLY AND TRADING AS NATIONAL PREMIUM COMPANY AND KING SALES COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1940.

[1] 4 F.R. 1608.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission (respondent having filed no answer), testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint (respondent having offered no testimony in opposition thereto), briefs filed herein and oral argument by counsel for the Commission and counsel for respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent had violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Benjamin Jaffe, individually and trading as National Premium Company and King Sales Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of pen and pencil sets, billfolds, silverware, blankets, candid cameras, clocks, bedspreads, luggage, bathroom scales, tray sets, coffee makers, aluminum sets, shirts, princess slips, binoculars or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, punch boards, or other devices, which said push or pull cards, punch boards, or other devices, are to be used or may be used in selling or distributing said articles of merchandise, or any other merchandise, to the general public by means of a game of chance, gift enterprise or lottery scheme;

(2) Mailing, shipping or transporting to agents or distributors, or to members of the public, push or pull cards, punch boards, or other devices, so prepared and printed that sales of said merchandise, or any other merchandise, are to be made, or may be made, to the general public by means of a game of chance, gift enterprise or lottery scheme;

(3) Selling or otherwise disposing of any merchandise by the use of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–3851; Filed, September 13, 1940; 11:19 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—BUREAU OF ACCOUNTS

[1940 Department Circular No. 570 Revised.[1]]

PART 226—SURETY COMPANIES

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

SEPTEMBER 12, 1940.

The following is a list of companies holding certificates of authority from the Secretary of the Treasury, issued under the Act of Congress approved August 13, 1894, 28 Stat. 279–80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (U. S. Code, title 6, secs. 6–13), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

Names of Companies, Locations of Principal Executive Offices and States in Which Incorporated.

California

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Employers Insurance Co., Los Angeles.
6. Pacific Indemnity Co., Los Angeles.

Connecticut

7. The Aetna Casualty and Surety Co., Hartford.
8. The Century Indemnity Co., Hartford.
9. Hartford Accident and Indemnity Co., Hartford.
10. The Travelers Indemnity Company, Hartford.

Delaware

11. Saint Paul-Mercury Indemnity Co., St. Paul, Minn.

Illinois

12. American Motorists Insurance Co., Chicago.
13. Lumbermens Mutual Casualty Co., Chicago.

Indiana

14. Continental Casualty Co., Chicago, Ill.
15. Inland Bonding Co., South Bend.

Kansas

16. The Kansas Bankers Surety Co., Topeka.
17. The Western Casualty and Surety Co., Fort Scott.

Maine

18. Maine Bonding and Casualty Co., Portland.

Maryland

19. American Bonding Company of Baltimore.
20. Fidelity and Deposit Co. of Maryland, Baltimore.
21. Maryland Casualty Company, Baltimore.
22. United States Fidelity and Guaranty Co., Baltimore.

Massachusetts

23. American Employers' Insurance Co., Boston.
24. American Mutual Liability Insurance Co., Boston.
25. Liberty Mutual Insurance Co., Boston.
26. Massachusetts Bonding and Insurance Co., Boston.
27. New England Casualty Insurance Company, Springfield.

Michigan

28. National Casualty Co., Detroit.
29. Standard Accident Insurance Co., Detroit.

Missouri

30. Central Surety and Insurance Corporation, Kansas City.
31. Employers Reinsurance Corporation, Kansas City.

New Hampshire

32. Peerless Casualty Company, Keene.

New Jersey

33. Commercial Casualty Insurance Company, Newark.
34. International Fidelity Insurance Co., Jersey City.

New York

35. American Guarantee and Liability Insurance Co., Chicago, Illinois.
36. American Re-Insurance Co., New York.
37. American Surety Co. of New York.
38. Columbia Casualty Co., New York.
39. Eagle Indemnity Co., New York.
40. The Excess Insurance Co. of America, New York.
41. The Fidelity and Casualty Co. of New York.
42. General Reinsurance Corporation, New York.
43. Glens Falls Indemnity Co., Glens Falls.
44. Globe Indemnity Co., New York.
45. Great American Indemnity Co., New York.
46. The Home Indemnity Co., New York.
47. London & Lancashire Indemnity Co. of America, Hartford, Conn.
48. Merchants Indemnity Corporation of New York.
49. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
50. National Surety Corporation, New York.
51. New Amsterdam Casualty Co., Baltimore, Md.
52. New York Casualty Co., New York.
53. Phoenix Indemnity Co., New York.
54. The Preferred Accident Insurance Co. of New York.
55. Royal Indemnity Co., New York.
56. Seaboard Surety Co., New York.
57. Standard Surety and Casualty Co. of New York.
58. Sun Indemnity Co. of New York.
59. United States Casualty Co., New York.
60. United States Guarantee Co., New York.
61. The Yorkshire Indemnity Co., of New York.

Ohio

62. The Ohio Casualty Insurance Co., Hamilton.

Pennsylvania

63. American Casualty Co. of Reading, Pennsylvania.
64. Eureka Casualty Co., Philadelphia.
65. Indemnity Insurance Co. of North America, Philadelphia.
66. Manufacturers' Casualty Insurance Co., Philadelphia.
67. Mellon Indemnity Corporation, Pittsburgh.

South Dakota

68. Western Surety Co., Sioux Falls.

Texas

69. American General Insurance Co., Houston.
70. American Indemnity Co., Galveston.
71. Commercial Standard Insurance Co., Fort Worth.
72. Employers Casualty Co., Dallas.
73. Texas Indemnity Insurance Co., Galveston.
74. Trinity Universal Insurance Co., Dallas.

Virginia

75. Virginia Surety Co., Inc., Roanoke.
76. General Casualty Co. of America, Seattle.
77. Northwest Casualty Co., Seattle.
78. United Pacific Insurance Co., Seattle.

Foreign Companies Authorized To Do a Reinsurance Business Only

79. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.).
80. Car and General Insurance Corporation, Ltd., London, England (U. S. Office, New York, N. Y.).
81. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).
82. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.).

[1] Last revision appears at 5 F.R. 1367.

83. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.).
84. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.).
85. The Ocean Accident and Guarantee Corp., Ltd., London England (U. S. Office, New York, N. Y.).

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 40-3845; Filed, September 12, 1940; 2:19 p. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 34]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

REGULATIONS GOVERNING THE CHARTER TO PERSONS NOT CITIZENS OF THE UNITED STATES OF VESSELS DOCUMENTED UNDER THE LAWS OF THE UNITED STATES OR THE LAST DOCUMENTATION OF WHICH WAS UNDER THE LAWS OF THE UNITED STATES

§ 221.1[1] *Commission approval of charters to aliens required.* Except as hereinafter set forth, no person shall without the prior written approval of the United States Maritime Commission in each instance charter or in any manner agree to charter to any person not a citizen of the United States any vessel or any interest therein owned in whole or in part by a citizen of the United States and documented under the laws of the United States, or the last documentation of which was under the laws of the United States.*†

§ 221.2 *Commission approval of charters for certain voyages not required.* Any such vessel, or a part of the space thereof may, without further action by the Commission, be chartered, other than by bareboat or demise charter, to a person not a citizen of the United States for a specific voyage from or to a port within the continental limits of the United States, but not a round voyage, the probable duration of which shall not exceed three months, (1) if the charter relates to an inbound voyage of the vessel from a port in a foreign country to a port within the continental limits of the United States, or (2) if, at the time of the charter, the owner of the vessel shall be required, pursuant to the terms of any operating-differential subsidy agreement or construction-differential subsidy agreement with the Commission, to operate the vessel on the route, line or service on which it is to be operated pursuant to the charter, or (3) if, at the time of the charter the owner of the vessel shall have regularly operated vessels in berth service for at least six months prior to the date of the charter, between ports in the continental United States in the same range as the United States ports specified in the charter, and ports in the same foreign country as the foreign ports specified in the charter, and on a route substantially similar to the route to be followed under the charter (for the purposes of this clause (3), Atlantic and Gulf ports to be deemed to be one range and Pacific ports to be deemed to be one range).*†

§ 221.3 *Commission approval of charters for salvage purposes not required.* Any such vessel may be chartered, other than by bareboat or demise charter, to a person not a citizen of the United States solely for the purpose of assisting in the salvage of a vessel or vessels in distress or the cargo or passengers thereon.*†

§ 221.4 *General provisions.* Provided, that (i) the approval herein granted is granted solely under the provisions of Section 9 of the Shipping Act, 1916, and shall not constitute a waiver of or consent under, the provisions of any mortgage held by the United States or the provisions of any subsidy or other agreement between the owner and the Commission, relating to the charter of the vessel or to the trade or trades in which the vessel may be operated; (ii) for the purposes of this order, in the case of a subcharter, a charterer shall be considered an owner and a sub-charterer a charterer; (iii) a duly certified copy of any such charter, as executed, shall be filed with the Secretary of the Commission as soon as may be practicable but, in any event, not later than 20 days after the beginning of the charter period or within such further time as may be permitted by the Commission; and (iv) the Commission reserves the right to modify or revoke this order at any time.*†

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
Secretary.

SEPTEMBER 4, 1940.

[F. R. Doc 40-3849; Filed, September 13, 1940; 10:31 a. m.]

[1] Former § 221.1 of Title 46, CFR, was repealed by 52 Stat. 964; 46 U.S.C. Supp. 808; former §§ 221.2 and 221.3 were rescinded September 9, 1939 by F.R. Doc. 39-3322 (4 F.R. 3884). These sections are replaced by §§ 221.1 to 221.4 above. Present §§ 221.11 and 221.12 of Title 46, CFR, are not affected by this document.

*§§ 221.1 to 221.4, inclusive, issued under authority contained in Merchant Marine Act, 1936, particularly section 204 (b) thereof (49 Stat. 1987; 46 U.S.C. Supp. 1114 (b)), the Shipping Act, 1916, particularly section 9 thereof (39 Stat. 730; 46 U.S.C. 808) and the Merchant Marine Act, 1920 (41 Stat. 988; 46 U.S.C. 861) as all of said acts are amended.)

†The source of §§ 221.1 to 221.4, inclusive, is General Order No. 34, approved by the Commission September 4, 1940.

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

SUPPLEMENTARY DETERMINATION NO. 5, IN MATTER OF APPLICATION FOR EXEMPTION OF QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION MADE IN MATTER OF CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939.

Whereas, the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas, paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas, the National Crushed Stone Association filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the General Crushed Stone Company of Easton, Pennsylvania, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of

crushed stone by the General Crushed Stone Company at LeRoy, Genesee County, New York; and

Whereas, it appeared from the application filed by the National Crushed Stone Association on behalf of the General Crushed Stone Company of Easton, Pennsylvania, that the crushed stone plant of the aforesaid company in Genesee County, New York, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination, and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER on August 27, 1940, (5 F.R. 3185), a notice setting forth the above matters which stated that, upon consideration of the facts stated in the said application for supplementary determination, the Administrator determined, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case had been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the General Crushed Stone Company in Genesee County, New York, and which notice stated further that, if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case shown on the application; and

Whereas no objection and request for hearing was received by the Administrator within the fifteen days following the publication of said notice;

Now, therefore, pursuant to § 526.5 (b) (ii), of the regulations, as amended, the Administrator hereby finds, upon the *prima facie* case shown in the said application that the crushed stone plant of the General Crushed Stone Company in Genesee County, New York, should be and it is hereby included within the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

Signed at Washington, D. C. this 7th day of September 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3861; Filed, September 13, 1940; 11:53 a. m.]

SUPPLEMENTARY DETERMINATION NO. 6, IN MATTER OF APPLICATION FOR EXEMPTION OF THE QUARRYING OF CRUSHED STONE FROM SURFACE OR OPEN CUTS FROM MAXIMUM HOURS PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938, PART 526, AS AMENDED, OF REGULATIONS ISSUED THEREUNDER, AND PARAGRAPH (8) OF ORIGINAL DETERMINATION MADE IN MATTER OF THE CRUSHED STONE INDUSTRY PURSUANT TO HEARING HELD JUNE 19, 1939

Whereas the Administrator determined after a public hearing held before Harold Stein, Presiding Officer, on June 19, 1939 that:

1. There is a branch of the crushed stone industry wherein the plants normally shut down for about six months each year, except for an insubstantial amount of production that may be produced shortly before or shortly after the main production season. This branch is located in the colder and, in general, more northerly parts of the United States; and

3. The plants in the northern branch cease operation annually at a regularly recurring season of the year, except for sales, maintenance, and similar work, because the materials used by the industry are not available for excavation, handling and processing in the form in which they must be excavated, handled, and processed, i. e., as unfrozen ledges and banks of blasted rock, because of climatic factors; and

4. The northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder; and

Whereas paragraph (8) of the above Determination provides that it shall be without prejudice to a supplementary determination enlarging the scope of the northern branch by the inclusion therein of such plants or groups of plants, if any, as operate in the same manner and for the same reasons as the plants in the northern branch described in paragraphs 1 and 3 above; and

Whereas the National Crushed Stone Association filed an application with the Wage and Hour Division, United States Department of Labor, on behalf of the General Crushed Stone Company of Easton, Pennsylvania, pursuant to paragraph (8) of the above cited original determination in the matter of the crushed stone industry, to include the excavating, hauling, and processing of crushed stone by the General Crushed Stone Company at White Haven, Luzerne County, Pennsylvania; and

Whereas it appeared from the application filed by the National Crushed Stone Association on behalf of the General Crushed Stone Company of Easton, Pennsylvania, that the crushed stone plant of the aforesaid company in Luzerne County, Pennsylvania, operates in the same manner and for the same reason as the plants in the northern branch described in paragraphs 1 and 3 of the original determination, and

Whereas the Administrator caused to be published in the FEDERAL REGISTER on August 27, 1940 (5 F.R. 3185), a notice setting forth the above matters which stated that, upon consideration of the facts stated in the said application for supplementary determination, the Administrator determined, pursuant to § 526.5 (b) (ii), as amended, of the regulations, that a *prima facie* case had been shown for enlarging the scope of the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder to include the crushed stone plant of the General Crushed Stone Company in Luzerne County, Pennsylvania, and which notice stated further that, if no objection and request for hearing was received within fifteen days, the Administrator would make a finding upon the *prima facie* case shown on the application; and

Whereas no objection and request for hearing was received by the Administrator within the fifteen days following the publication of said notice;

Now, therefore, pursuant to § 526.5 (b) (ii), of the regulations, as amended, the Administrator hereby finds, upon the *prima facie* case shown in the said application that the crushed stone plant of the General Crushed Stone Company in Luzerne County, Pennsylvania, should be and it is hereby included within the northern branch of the crushed stone industry, in accordance with paragraph (8) of the original determination and pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder.

Signed at Washington, D. C., this 7th day of September 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3862; Filed, September 13, 1940; 11:54 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 12 FOR THE CARPET AND RUG INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on May 13, 1940, by Administrative Order No. 50, appointed Industry Committee No. 12 for the Carpet and Rug Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 12, on July 10, 1940, recommended minimum wage rates for the Carpet and Rug Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with

the Administrator on August 7, 1940, pursuant to section 8 (d) of the Act and section 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 12 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations:

Now, therefore, notice is hereby given that:

I. Industry Committee No. 12 made the following two separable recommendations:

(1) *Wool Division.* Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in (a) the spinning, dyeing, finishing or processing of carpet yarns which contain any carpet wool; or, (b) the manufacturing, dyeing, finishing or processing of rugs or carpets under the definition of the Carpet and Rug Industry containing any wool of any kind.

(2) *Other than the wool division.* Every employer shall pay not less than 35 cents per hour to each of his employees who is engaged in the manufacturing, dyeing, finishing or processing of all rugs or carpets under the definition of the Carpet and Rug Industry other than those included within the Wool Division of the Industry.

II. The definition of the Carpet and Rug Industry as set forth in Administrative Order No. 50, issued May 13, 1940, is as follows:

"As used in this order, the term 'Carpet and Rug Industry' means:

(a) The spinning, dyeing, finishing or processing of carpet yarns which contain any carpet wool.

(b) Manufacturing, dyeing, finishing or processing of rugs or carpets from any yarns or fibres or from grass or paper, but not including bath mats or the manufacture by hand of rugs or carpets.

"The definition of the Carpet and Rug Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations."

III. The full text of the report and recommendation of Industry Committee No. 12, together with a dissenting statement filed by members thereof, are available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, Port of New York Authority Building, 111–8th Avenue.

Buffalo, New York, Dun Building, Pearl & Swan Streets.

Newark, New Jersey, 1004 Kinney Building.

Philadelphia, Pennsylvania, 1205 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Richmond, Virginia, 215 Richmond Trust Building, 627 E. Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert & Lombard Streets.

Raleigh, North Carolina, 507 Raleigh Building.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Jacksonville, Florida, 225 Post Office Building.

Birmingham, Alabama, 818 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

Nashville, Tennessee, 119 Seventh Avenue, N., Medical Arts Building.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Indianapolis, Indiana, Room 708, 108 E. Washington Street.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Custom House Building, 815 Olive Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, 620 Wilson Building, 1621 Main Street.

San Antonio, Texas, 716 Maverick Building, 400 E. Houston Street.

San Francisco, California, Room 500, 785 Market Street.

Los Angeles, California, 338 H. W. Hellman Building, 354 South Spring Street.

Seattle, Washington, 206 Hartford Building, 208 James Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation, together with a dissenting statement filed by members thereof, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendations of Industry Committee No. 12 shall be approved or disapproved pursuant to Section 8 of the Act will be held on October 2, 1940, at 10:00 a. m. at the Willard Hotel, in Washington, D. C. before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 12, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided that not later than September 27, 1940, any such person shall file with the Administrator at Washington, D. C., a notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 12.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 12, may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Carpet and Rug Industry will be made available for inspection upon request by any interested person who intends to appear at the hearing:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Hourly Earnings In The Carpet and Rug Industry, 1939.*

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report On The Carpet and Rug Industry, July 9, 1940.*

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to

the official reporter, Electric Reporting Service, 1707 I St. NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 13th day of September 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3863; Filed, September 13, 1940; 11:55 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 15 FOR THE EMBROIDERIES INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on July 17, 1940, by Administrative Order No. 57, appointed Industry Committee No. 15 for the Embroideries Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 15, on September 4, 1940, recommended a minimum wage rate for the Embroideries Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on September 9, 1940, pursuant to section 8 (d) of the Act and section 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 15 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations:

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 15 is as follows:

"Every employer shall pay not less than 37½ cents per hour to each of his employees who is engaged in the Embroideries Industry as defined in Administrative Order No. 57, dated July 17, 1940."

II. The definition of the Embroideries Industry as set forth in Administrative Order No. 57, dated July 17, 1940, is as follows:

"For the purpose of this order the term 'Embroideries Industry' means:

"The production of all kinds of hand- and machine-made embroideries and or-

namental stitchings, including, but not by way of limitation, tucking, shirring, smocking, hemstitching, hand rolling, fagoting, bonnaz embroidery, applique, crochet beading, hand drawing, machine drawing, rhinestone trimming, sequin trimming, spangle trimming, eyelets, passementerie, pleating, the application of rhinestones and nailheads, Schiffli embroidery and laces, burnt-out laces and velvets, Swiss hand loom machine embroidery, thread splitting, embroidery thread cutting, scallop cutting, lace cutting, lace making-up, making-up of embroidered yard goods, straight cutting of embroidery and cutting out of embroidery, embroidery trimmings, bindings, pipings and emblems: *Provided, however,* That (1) the foregoing, when produced or performed by a manufacturer of a garment, fabric, or other article for use on such garment, fabric or other article, and (2) the manufacture of covered buttons and buckles, shall not be included."

The definition of the Embroideries Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations.

III. The full text of the report and recommendation of Industry Committee No. 15, together with a dissenting statement filed by a member thereof, are available for inspection by any person between the hours of 9:00 a. m., and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, Port of New York Authority Building, 111 8th Avenue.

Buffalo, New York, Dun Building, Pearl & Swan Streets.

Philadelphia, Pennsylvania, 1205 Widener Building.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Richmond, Virginia, 215 Richmond Trust Building, 627 E. Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert & Lombard Streets.

Raleigh, North Carolina, 507 Raleigh Building.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Jacksonville, Florida, 225 Post Office Building.

Birmingham, Alabama, 818 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

Nashville, Tennessee, 119 Seventh Avenue, N.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Indianapolis, Indiana, Room 708, 108 E. Washington Street.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Custom House Building, 815 Olive Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, 620 Wilson Building, 1621 Main Street.

San Antonio, Texas, 716 Maverick Building, 400 E. Houston Street.

San Francisco, California, Room 500, 785 Market Street.

Los Angeles, California, 338 H. W. Hellman Building, 354 South Spring Street.

Seattle, Washington, 206 Hartford Building, 208 James Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation, together with a dissenting statement filed by a member thereof, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 15 shall be approved or disapproved pursuant to Section 8 of the Act will be held on September 30, 1940, at 10:00 a. m. at the Willard Hotel, in Washington, D. C., before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 15, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; *Provided,* That not later than September 25, 1940, any such person shall file with the Administrator at Washington, D. C., a notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 15.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 15 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Embroideries Industry will be made available for inspection upon request of any interested person who intends to appear at the hearing:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Earnings and Hours in the Embroidery and Related Products Industry, March 1940.*

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Embroideries Industry, August 1940.*

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Service, 1707 I St. NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding oficer. Objections to the approval of the Committee's recommendation and to the promulgation of a Wage Order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 13th day of September, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-3864; Filed, September 13, 1940; 11:54 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION DIVISION OF THE DEPARTMENT OF LABOR AND FACTORY INSPECTION OF THE STATE OF CONNECTICUT

The Unemployment Compensation Division of the Department of Labor and Factory Inspection of the State of Connecticut having duly submitted to the Social Security Board, pursuant to the provisions of Section 1602 (b) (3) of the Internal Revenue Code, as amended, the Connecticut unemployment compensation law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of Section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in Section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of Section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of Section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Division of the Department of Labor and Factory Inspection of the State of Connecticut.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

SEPTEMBER 4, 1940.

Approved:

PAUL V. MCNUTT,
Administrator.

SEPTEMBER 10, 1940.

[F. R. Doc. 40-3848; Filed, September 13, 1940; 10:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4307]

IN THE MATTER OF INTERNATIONAL SALT COMPANY, INTERNATIONAL SALT COMPANY, INC., INDEPENDENT SALT COMPANY, EASTERN SALT COMPANY

COMPLAINT

Pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An act to supplement existing laws against unlawful restraints and monopolies and for other purposes" (the Clayton Act), as amended by an act approved June 19, 1936, entitled "An act to amend Section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies and for other purposes' approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13) and for other purposes" (the Robinson-Patman Act), the Federal Trade Commission having reason to believe that the respondents hereinafter described are violating and have been violating the provisions of said Clayton Act as amended, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. International Salt Company is a corporation organized and existing under and by virtue of the laws of the State of New Jersey having its principal place of business in the Scranton Life Insurance Company Building, Scranton, Pennsylvania.

International Salt Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York, having its principal office and place of business in the Scranton Life Insurance Company Building, Scranton, Pennsylvania.

Independent Salt Company is a corporation organized and existing under and by virtue of the laws of the State of New York, having its principal place of business at 475 Fifth Avenue, New York, New York.

Eastern Salt Company is a corporation organized and existing under and by virtue of the laws of the State of Massachusetts having its principal office at 150 Causeway Street, Boston, Massachusetts.

Respondents International Salt Company, Inc., Independent Salt Company and Eastern Salt Company are wholly owned subsidiaries of respondent International Salt Company and are under the direct and immediate control of, and its policies are directed by, said respondent International Salt Company.

PAR. 2. Respondent International Salt Company through its wholly owned subsidiaries is now and has been engaged in the business of producing, offering for sale, selling and distributing salt in all parts of the United States. The respondent is one of the largest producers and distributors of salt in the United States and occupies the dominating position in said industry. Respondent sells its products to wholesalers, retailers, corporate chains, and voluntary chains. Respondent sells and distributes its products in commerce between and among the various states of the United States and in the District of Columbia and preliminary to or as a result of such sale causes such products to be shipped and transported from the places of origin of the shipment to the purchasers thereof who are located in states of the United States and in the District of Columbia other than the state of origin of the shipment, and there is and has been at all times herein mentioned a continuous current of trade in commerce in said products across state lines between respondent's plants or factories and the purchasers of such products. Said products are sold and distributed for use, consumption and resale within the various states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now and during the time herein mentioned has been, in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of selling and distributing salt in commerce between and among the various states of the United States and the District of Columbia.

PAR. 4. In the course and conduct of its business as aforesaid since June 19, 1936, respondent has been and is now discriminating in price between different purchasers buying such products of like grade and quality by selling its products to some of its customers at lower prices than it sells its products of like grade and quality to other of its customers who are competitively engaged one with the other in the sale of said products within the United States.

The said discriminations in price are brought about by the following practices and policy pursued by the respondent, to-wit:

(1) A discount amounting to approximately five per cent of the list price is allowed to all customers who purchase a carload of salt.

(2) In addition to the carload discount hereinbefore referred to in paragraph (1) hereof, a five per cent discount is allowed to customers whose purchases of salt during a twelve consecutive month period are equal to or in excess of fifty thousand dollars.

The discount referred to in paragraph (2) heretofore mentioned is allowed to customers of the respondent who do not purchase from the respondent fifty thousand dollars worth of salt during a twelve consecutive month period, provided, however, the total purchases of salt from all sources made by said customer total fifty thousand dollars during said given period of time. In the industry this type of selling is known as "split business", that is, basing the price upon the requirements of a customer and not upon the actual quantity purchased from the respondent.

In addition to the discriminations effected by the aforementioned discounts, respondent discriminates in price between different purchasers of its products, and such price discriminations result from respondent's selling said salt to an individual customer where the delivery thereof is made to several branches or outlets of said individual customer at prices based upon the total quantity or volume delivered to all of the separate branches or outlets of said customer, provided such total quantity or volume amounts to the required minimums during the twelve consecutive month period as set forth in paragraph (2) hereinbefore mentioned and not upon the quantity or volume delivered by the respondent to the respective branches or outlets of such individual customer.

In the industry, this type of selling is known as "combine selling," that is, basing the price upon the total quantity delivered to all the separate branches or outlets of an individual customer and not upon the quantity delivered to the respective branches or outlets of said customer.

PAR. 5. The effect of the discriminations in price generally and specifically mentioned in Paragraph Four herein has been and may be substantially to lessen competition in the line of commerce in which the purchaser receiving the benefit of said discriminatory prices is engaged and to injure, destroy and prevent competition between those purchasers receiving the benefit of said discriminatory prices and those to whom they are denied and has been and may be to tend to create a monopoly in those purchasers receiving the benefit of said discriminatory prices in said line of commerce in the various localities or trade areas in the United States in which said favored customers and their competitors are engaged in business.

PAR. 6. The foregoing acts and practices of said respondents are violations of subsection 2 (a) of Section 1 of said Act of Congress, approved June 19, 1936, entitled "An act to amend Section 2 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies and for other purposes' approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13) and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 9th day of September, A. D. 1940, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, International Salt Company, International Salt Company, Inc., Independent Salt Company, Eastern Salt Company, respondents herein, that the 18th day of October, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule I) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, with-

out further evidence or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 9th day of September, A. D. 1940.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 40–3850; Filed, September 13, 1940; 11:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–1553]

IN THE MATTER OF THE BLACK AND DECKER MANUFACTURING COMPANY, COMMON STOCK, NO PAR VALUE

FINDINGS OF THE COMMISSION AND ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1940.

The Black and Decker Manufacturing Company having applied to the Commission, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2–1 thereunder, for permission to withdraw from listing and registration on the Baltimore Stock Exchange its common stock, no par value; and

A hearing[1] having been held on due notice before a trial examiner; the trial examiner having filed an advisory report; and the Commission having considered the record;

The Commission finds that the application complies with the requirements of said section 12 (d) of the said Act and the rules promulgated thereunder, and that it is necessary for the protection of investors to impose a condition that the delisting shall not be effective until thirty days after the date of this order; and

[1] 5 F.R. 2096.

It is ordered, That said application be and the same hereby is granted, effective at the close of business on October 11, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40–3852; Filed, September 13, 1940; 11:22 a. m.]

[File No. 52–17]

IN THE MATTER OF JOHN H. RAUSCHER, W. D. COURTWRIGHT, EARL W. HUNTLEY, PAUL C. HARPER, AND FREDERICK T. SUTTON, AS BONDHOLDERS' ADVISORY COMMITTEE FOR NORTHWEST CITIES GAS COMPANY

NOTICE OF ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1940.

Applications and a declaration pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on October 9, 1940, at 10:00 o'clock in the forenoon of that day, Pacific Time, at the Regional Office of the Commission, Exchange Building, 821 Second Avenue, Seattle, Washington. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That W. S. Tucker or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission, at its said Regional Office, on or before October 5, 1940.

The matter concerned herewith is in regard to a plan for the reorganization of Northwest Cities Gas Company, proceedings for the reorganization of which under the Bankruptcy Act are presently pending in the District Court of the United States for the Eastern District of Washington, Southern Division.

Such plan provides that the reorganized company shall have a capital structure consisting of common stock only, all of which is by the plan allocated to the holders of the outstanding First Mortgage 6% Gold Bonds on the basis of 10 shares of such new common stock, of the par value of $1 per share, for each $1,000 principal amount of such bonds with all appurtenant unpaid interest coupons maturing on or after January 1, 1938. The existing capital stock of the company, all of which is owned by Lone Star Gas Company, together with all inter-company indebtedness in the form of notes and accounts owing to Lone Star Gas Company, are to be cancelled without consideration therefor. No claims of any creditors are to be paid in cash pursuant to the plan except that all costs of administration, expenses of reorganization and other allowances made by the court and all current operating accounts incurred in the ordinary course of business are to be paid in cash in full. The plan contains provisions for indemnification of the trustees under the bond indenture, and (if approved by the court) the Bondholders' Committee against loss, cost, liability and expense. Any creditors not mentioned in the plan are not to be affected by the plan.

The plan provides also that the board of directors of the reorganized company shall consist of six directors divided into three classes of two directors each; the directors of each class to have three-year terms except that the first two directors of the first class shall have a one-year term and the first two directors of the second class shall have a two-year term.

The plan provides also that the first board of directors shall be Messrs. John H. Rauscher, W. D. Courtwright, Earl W. Huntley, Paul C. Harper, Frederick T. Sutton, and H. M. Thomas.

The plan provides also that the certificate of incorporation of the reorganized company will provide that the entire assets may be sold for any consideration when authorized by the affirmative vote of the holders of a majority of the new capital stock at the time issued and outstanding, with the proviso that if any such sale shall be for cash in an amount less than $1,275,000, or, in whole or in part, for any consideration other than cash such sale shall require the affirmative vote of the holders of 66⅔% of the new capital stock at the time issued and outstanding.

The before mentioned applications request approval by the Commission of said plan of reorganization pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and a report upon said plan pursuant to section 11 (g) of said Act. The before mentioned declaration is filed pursuant to Rules U-12E–3 and U-12E–5 promulgated under said Act and relates to the solicitation of con-

sents to said plan. The hearing herein ordered shall relate to said plan, applications and declaration as now or hereafter amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3853; Filed, September 13, 1940; 11:22 a. m.]

[File No. 70-154]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-8

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1940.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 30, 1940 at 4:30 p. m., E. S. T., or 1:00 p. m., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central Maine Power Company, a subsidiary company of New England Public Service Company, a registered holding Company, which is in its turn a subsidiary company of Northern New England Company, a registered holding company, proposes to issue and sell not to exceed $18,100,000 of First and General Mortgage Bonds, Series L 3½% due 1970, dated October 1, 1940, and maturing October 1, 1970, and 20,000 shares of $50 Preferred Stock, par value $50, 5% Dividend Series. It is stated that the proceeds of said securities will be used for the purpose of refunding $16,600,000 principal amount of the company's First and General Mortgage Bonds, Series G 4% due 1960, for the purpose of retiring existing indebtedness to banks, said indebtedness having been incurred for the purpose of providing funds for the construction of additions to the company's property, and for the financing of additional construction hereafter to be made. It is proposed that the securities be sold to the public through underwriters. It is stated that the price to the public, the amount of underwriters' commission and the names of the underwriters will be supplied by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3854; Filed September 13, 1940; 11:23 a. m.]